



CANNON BUILDING
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DOVER, DELAWARE 19904-2467

STATE OF DELAWARE
DEPARTMENT OF STATE

DIVISION OF PROFESSIONAL REGULATION

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PUBLIC MEETING MINUTES:	BOARD OF ARCHITECTS
MEETING DATE AND TIME:	Wednesday, June 2, 2010 at 1:30 p.m.
PLACE:	861 Silver Lake Blvd., Conference Room B, Second floor, Dover, Delaware
MINUTES APPROVED:	September 1, 2010

MEMBERS PRESENT

Jean McCool, RA, Professional Member, President
Joseph Schorah, Public Member, Secretary
Gregory Kindig, RA, Professional Member
Kenneth Freemark, RA, Professional Member
John Mateyko, RA, Professional Member
Elizabeth Happoldt, Public Member

DIVISION STAFF/DEPUTY ATTORNEY GENERAL

Andrew Kerber, Deputy Attorney General
Nicole M. Williams, Administrative Specialist II

ABSENT

Toni Bush Neal, Public Member
Arden Bardol, RA, Professional Member
Prameela Kaza, Public Member

OTHERS PRESENT

Nancy Payne of the American Institute of Architects of Delaware
David Pederson, RA
Ann M. Calligan, Court Reporter
Barbara Mignon Weatherly, Deputy Legal Counsel to Delaware Technical Community College
Owens Campus

1.0 Call to Order

Ms. McCool called the meeting to order at 1:26 p.m.

2.0 Audit Show Cause Hearings

1:00 p.m.: Show Cause Hearing for Donald Kann

The Board went on the record at 1:20 p.m. for the Show Cause hearing for Mr. Donald Kann who was not present for the hearing. Mr. Kerber advised the Board that the purpose of the hearing was to show cause as to why the Board should not revoke or suspend Mr. Donald Kann's license as he did not comply with the 2009 audit. Mr. Kerber advised that Mr. Kann was properly noticed by Ms. Williams about the hearing via certified letter which the Board has receipt that Mr. Kann did receive the notice and he did not respond and is not in attendance for the hearing. Mr. Kerber further advised that Mr. Kann only provided proof of 10 HSW credit hours evidenced on the American Institute of Architects (AIA) transcript he submitted originally in 2009.

The Board discussed Mr. Kann's correspondence. The Board went off the record at 1:25 pm for deliberations.

The Board went back on the record at 1:30 pm. Mr. Schorah made a motion to fine Mr. Kann a civil penalty of \$2500 and suspend his license immediately with a notice that he must return his seal within 30 days of final order, seconded by Ms. Happoldt. The motion carried unanimously.

The hearing adjourned at 1:31 pm.

2:00 p.m.: Frank Lisowsky – Cancelled, Complied to Audit

There was no discussion by the Board as the Board acknowledged that Mr. Liskowsky did complete the 2009 audit as he was in full compliance; therefore the civil penalty and hearing was dismissed.

2:10 p.m.: James Tevebaugh

The Show Cause Hearing for James Tevebaugh went on record at 1:53 pm.

Mr. Kerber advised the Board of the purpose of the hearing for Mr. Tevebaugh. Mr. Tevebaugh was in attendance and was not represented by legal counsel. Mr. Tevebaugh presented his case to the Board. The Board questioned Mr. Tevenbaugh.

The Board went off the record at 2:00 pm for deliberations.

The Board went back on the record at 2:08 pm. Mr. Schorah made a motion to grant Mr. Tevebaugh a 30 day extension to self report his continuing education to show proof that he has complied with the 2009 audit within the 2007 to 2009 renewal period with a civil penalty of \$1500 for late reporting of his continuing education and in the event that Mr. Tevebaugh does not comply with the Board's decision in 30 days he will be subject to an increase in the civil penalty, seconded by Mr. Mateyko. Motion carried unanimously.

The hearing adjourned at 2:14 p.m.

3.0 Review and Approval Of Minutes

The Board reviewed the minutes from the May meeting. Ms. McCool advised of the meeting notice date change in the minutes. Mr. Schorah advised of the update to Mr. DeLosso as he did return his seal and license. Mr. Freemark made a motion to approve the minutes with the correction as stated by Ms. McCool, seconded by Mr. Mateyko. Motion carried unanimously.

4.0 Unfinished Business

Review of Unlicensed Activity Letters

Mr. Kerber advised that there was no new development. No further action by the Board.

Strategic Plan

Certificate of Authorization Application – Update

Ms. Williams advised the Board that the System administrator inquired if the Board had the statutory authority to fine for not filing the application. Mr. Kerber advised that section 317(d) of the statute gives the Board authority to impose a civil penalty. Ms. Williams will provide the system administrator with the information from Mr. Kerber so that the Division may proceed with the notices.

Final Decision and Order for Todd T. Breck: Review and Signature

Ms. McCool signed the final order. No further action taken by the Board.

Update and Correspondence of Audits of 2009

Charles W. Bowen – Previous Request for Extension to Complete CE's with Updated AIA Transcript

Ms. McCool advised the Board to review the information for Mr. Bowen. Ms. Williams advised of Mr. Bowen's letter of request from the initial audit notice in 2009 for an extension to complete the continuing education as he did not have the total 24 HSW credits. Ms. McCool advised that since his request was after the initial audit notice then he is still subject to the \$1500 civil penalty. Mr. Happoldt made a motion to accept the transcript as presented for renewal of his license but he is still subject to the \$1500 civil penalty to be submitted within 30 days of final order, seconded by Mr. Freemark. Motion carried unanimously.

Donald Brasher – Previous Request for Extension to Complete CE's with Updated AIA Transcript

Mr. Freemark advised that Mr. Brasher's situation was similar to Mr. Bowens. Mr. Freemark made a motion to accept the transcript as presented for renewal of his license but he is still subject to the \$1500 civil penalty to be submitted within 30 days of final order, seconded by Mr. Schorah. Motion carried unanimously.

Final Board Orders for 2009 Audit Show Cause Hearing Waivers

Ms. McCool signed the final orders for N. Howard Weissman, Hue Grant, Clark Neuringer, Christopher Elnicki, Bonnie Sowers, William C. Louie, and Todd T. Breck. Ms. Williams advised that Mr. Neuringer and Mr. Breck will have 30 days to submit proof of their 24 HSW credits. No further action taken by the Board.

Status of Complaints 07-02-09 and 07-03-09

Mr. Freemark advised that complaints 7-02-09 and 7-03-09 have been sent to the Attorney General's office for further review.

5.0 New Business

Student Capstone Projects - Barbara Mignon Weatherly, Deputy Legal Counsel for Del Tech Owens Campus

Ms. Weatherly approached the Board and introduced herself and Mr. Pederson and then advised the Board of their reason for attending the meeting. In the recent past Mr. Pederson had received a letter from the Board regarding the Capstone Projects for which he is the head instructor. Mr. Pederson briefed the Board on the Capstone project he heads at Delaware Technical Community College at the Owens Campus. Mr. Andrew inquired as to when Mr. Pederson first noticed the public about the Capstone projects. Mr. Pederson advised that the first notice to the public occurred in 2000 and further advised the Board of the Capstone projects. Mr. Schorah advised Mr. Pederson that the issue with the Board is that there are drawings that are being presented and not stamped by a licensed architect.

Ms. McCool advised that this matter arose before the Board because of the proposals by the Dagsboro Fire Department. Mr. Mateyko advised that the architect sealing the drawings is

required to produce the work under direct supervision and that the work that was generated from the Capstone projects was not produced in an architect office under direct supervision as the regulations and statute state.

Ms. Weatherly advised that in doing these projects in the past they [the school project team] have never entered into any type of contract and inquired if to rectify this situation could Del Tech notify the clients that the projects, specifically plans, being proposed are not produced by any licensed professionals. Ms. McCool advised that providing this type of “service” is considered an instrument of service and is still the practice of architecture and can only be performed by a licensed architect.

Mr. Kerber advised that the students are not providing “sketches” but rather more detailed plans/drawings. Mr. Pederson clarified that the students are not providing sketches but rather detailed schematics. Mr. Freemark advised that students can not provide these plans as it is simply the practice of architecture. Mr. Mateyko advised that the students must clearly know the difference between academia and professional work so that they are not put in this situation later. The Board further discussed.

Ms. Weatherly advised to invite one of the Board members to be on the advisory committee and become a part of what is occurring on these technological projects. Mr. Mateyko advised that the pedagogy for these projects is beneficial however they are crossing the line of practicing without a license which is violating the statute. The Board further discussed with Mr. Pederson and Ms. Weatherly.

The Board advised Ms. Weatherly and Mr. Pederson that the students can complete an internship in an architectural office/firm or make up hypothetical projects or use existing projects that stay within the realm of the college only, no clients including Del Tech. The Board advised that the students can not provide their drawings, sketches, or work to be used outside the school for any purpose. Mr. Pederson inquired since there is no way legally for this project to continue as it has been who would the liability fall upon. The Board advised that the liability would fall upon all involved. Mr. Kerber clarified that essentially a complaint is forwarded to the Division and the person that is named the respondent in the complaint would be liable. Mr. Kerber further clarified that the Capstone project can be a hypothetical situation and not a real world project and therefore could continue on. Mr. Pederson concurred but advised that the service learning part of the project is real world therefore can not be included within the Capstone project. The Board concurred. Mr. Pederson and Ms. Weatherly thanked the Board for their time and suggestions. There was no further discussion by the Board on this matter.

Review of Reciprocity Applications – NCARB Certificate – Ratify Listing

Sylvia Senseny
Timothy Long
Paul Swartz
Daniella Pifano

Kyle Meiser
John Bolig
Benedict Dubbs

The Board reviewed the above list. Mr. Schorah made a motion to ratify the listing, seconded by Mr. Mateyko. Motion carried unanimously.

Review of Applications by Direct Application Michael Moschella

Mr. Freemark reviewed the application for Mr. Moschella and inquired about the direct application process. Ms. McCool clarified the process for reviewing. Mr. Schorah made a motion to approve, seconded by Ms. Happoldt. Motion carried unanimously.

Gaetan Lefebvre

Mr. Freemark advised that Mr. Lefebvre is a registered architect in Montreal and graduated from a NAAB accredited college/university. Mr. Freemark advised that at the time he received the degree the college/university was not NAAB accredited. Mr. Schorah made a motion to table the application until next meeting and have Ms. Williams send notification to Mr. Lefebvre to contact the school to determine if at the time he graduated was the school NAAB accredited, seconded by Ms. Happoldt. Motion carried unanimously.

Raymond Cavalieri

Ms. McCool advised that Mr. Cavalieri's application was in order and ready for approval. Ms. Happoldt made a motion to approve, seconded by Mr. Schorah. Motion carried unanimously.

New Complaints

Complaint 07-04-10 of New Castle County was assigned to Mr. Mateyko. Mr. Schorah recused himself from assignment of this complaint.

6.0 Other Business Before the Board (for discussion only)

Mr. Mateyko advised that he will be attending the NCARB regional conference in San Francisco, CA.

Mr. Schorah advised that he will not be able to attend the July meeting.

7.0 Public Comment

There was no public comment.

8.0 Next Scheduled Meeting

The next meeting will be held on July 7, 2010 at 1:30 p.m. in Conference Room B, second floor of the Cannon Building, 861 Silver Lake Boulevard, Dover, Delaware.

9.0 Adjournment

With no further business before the board, Mr. Freemark made a motion to adjourn the meeting, seconded by Mr. Schorah. The motion carried unanimously. The meeting adjourned at 3:33 pm.

Respectfully submitted,



Nicole M. Williams
Administrative Specialist II